



Leveraging Federal Resources: Creating Equity through Consumer Rights and Protections

October 15th, 2024

Who We Are



JustUScc.org

The JCC is a national federal policy table led by and created for individuals who are directly impacted. The JCC forms the connective tissue needed to catalyze full participation in policy practices and changes for formerly incarcerated people and directly impacted individuals and their communities.

Our Why



The voices of those most impacted by the criminal legal system have been missing and/or excluded from decision-making tables.

Priorities



Employment Equity: One of Several Federal Priorities



Rights and Protections — concepts that impact all aspects of reentry — are often either not fully realized or not fully enforced by persons with lived experience. Impact from the criminal legal system does not, however, strip away our rights as *consumers*. These rights help us reclaim our power and push back against systemic barriers:

Predatory fees are often added on to services used during both incarcerated and as during reentry

Fraud, identity theft, and other scammers take advantage of economic needs common in reentry

In spite of policy changes, consumer reporting is full of errors and preventing full access to society

Centered back to people



Disclaimer

This presentation is being made by a Consumer Financial Protection Bureau (Bureau) representative on behalf of the Bureau. It does not constitute legal interpretation, guidance or advice of the Bureau. Any opinions or views stated by the presenter are the presenter's own and may not represent the Bureau's views.

This document includes links or references to third-party resources. The inclusion of links or references to third-party sites does not necessarily reflect the Bureau's endorsement of the third-party, the views expressed on the third-party site, or products or services offered on the third-party site. The Bureau has not vetted these third-parties, their content, or any products or services they may offer. There may be other possible entities or resources that are not listed that may also serve your needs.

Introduction to the CFPB



Consumer Financial
Protection Bureau

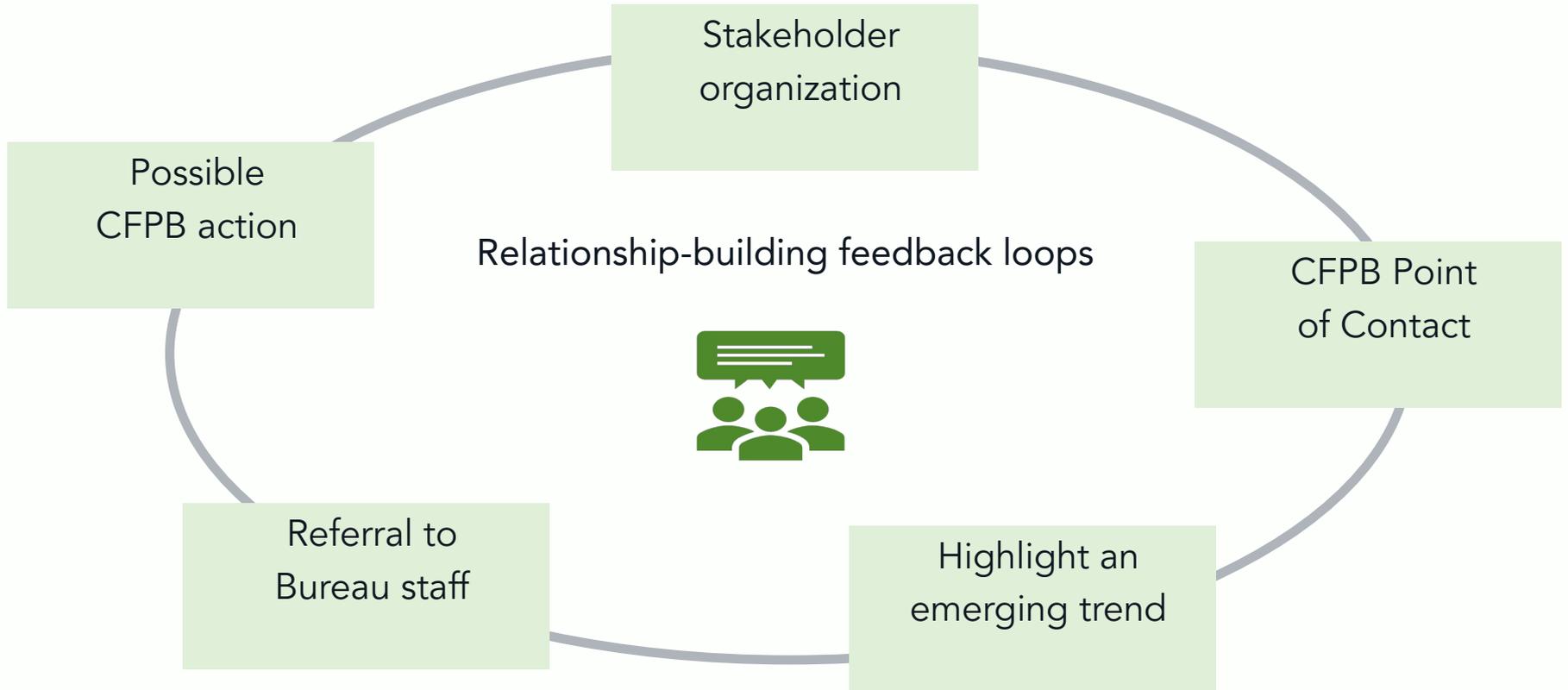
The Consumer Financial Protection Bureau is a 21st century agency that implements and enforces Federal consumer financial law and ensures that markets for consumer financial products are fair, transparent, and competitive.



CFPB's Mission

- Make financial markets work for consumers, responsible providers, and the economy as a whole
- Protect consumers from unfair, deceptive, or abusive acts or practices
- Take action against companies that break the law
- Equip people with the information, steps, and tools they need to make smart financial decisions

CFPB values your input



Ways you can inform CFPB's work

Gather Intelligence

File complaints (or encourage others), participate in roundtables, listening sessions, ongoing discussions

Define Problems

Identify problems that affect consumers in the financial marketplace

Inform Policymaking

Offer insights into policy and market conduct through engagement with CFPB



Consumer Financial
Protection Bureau

Working to hold bad actors accountable

Gather Intelligence

- Justice-impacted people filed complaints with us about their problems with JPay and encouraged others to do so

Investigation

- CFPB found that JPay forced consumers to use a prepaid card as a condition of receiving their "gate money" and charged fees to access their own money on those cards

Enforcement Action

- The CFPB ordered JPay to stop charging fees on release cards (except for an inactivity fee after 90 days of no activity) and required them to pay \$6M in consumer redress and penalties



Consumer Financial
Protection Bureau

CFPB Newsroom

Recent newsroom items relevant to consumer protection for justice-involved individuals:

- [CFPB Report Shows Criminal Justice Financial Ecosystem Exploits Families at Every Stage](#)
- [CFPB Takes Action to Halt Prepaid Card Providers Siphoning Government Benefits](#)
- [CFPB Penalizes JPay for Siphoning Taxpayer-Funded Benefits Intended to Help People Re-enter Society After Incarceration](#)
- [Consumer Financial Protection Bureau and Virginia, Massachusetts, and New York Attorneys General Sue Libre for Predatory Immigrant-Services Scam](#)

Focus on Reentry

Purpose:

The guide helps frontline staff and volunteers working with individuals with criminal records address some of the specific financial challenges they may face

Available at:

https://www.consumerfinance.gov/consumer-tools/educator-tools/your-money-your-goals/companion-guides/#anchor_reentry



FREE PRINTED &
DOWNLOADABLE GUIDE

www.consumerfinance.gov

Published July 2021



YOUR MONEY, YOUR GOALS

Focus on Reentry: Criminal Justice

A companion guide to assist those working with people with criminal records.



What's inside Focus on Reentry

- **Module 1:** Setting Goals
- **Module 2:** Saving
- **Module 3:** Tracking Income and Benefits
- **Module 4:** Paying Bills
- **Module 5:** Getting through the Month
- **Module 6:** Dealing with Debt
- **Module 7:** Understanding Credit Reports and Scores
- **Module 8:** Choosing Financial Products and Services
- **Module 9:** Protecting your Money
- **Module 10:** Understanding Background Screening Reports



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Protection Bureau

Tool: Getting documents and identification

- Applying for a job or benefits, opening a bank account, and many other activities require identification documents
- Help to identify sources for identification documents and possible barriers to getting them



Getting documents and identification will ease your transition

1. Review the list and check off those documents you already have.
2. Go back and see which documents you need to get and can get while you are incarcerated.

Document	Status	Where to get it
Certified copy of birth certificate	<input type="checkbox"/> Have it <input type="checkbox"/> Ordered it <input type="checkbox"/> Need help	To get a copy of your vital records such as your birth certificate, write to the state in which you were born. Find out where to write for each state by visiting https://www.cdc.gov/nchs/w2w.htm
State picture identification card or driver's license	<input type="checkbox"/> Have it <input type="checkbox"/> Ordered it <input type="checkbox"/> Need help	Some states have limited purpose driver's or identification cards for those that cannot meet the identification requirements for the other cards, for example, if you do not have a Social Security number. In some states, there may be restrictions on getting your license or state ID if you have outstanding criminal debt. Check to see if your state offers a payment plan for your debt. To find out your state's requirements visit https://www.usa.gov/motor-vehicle-services
Social Security card	<input type="checkbox"/> Have it <input type="checkbox"/> Ordered it <input type="checkbox"/> Need help	To get your Social Security number or a replacement card contact the Social Security Administration at https://www.ssa.gov/reentry
Criminal record or RAP (Record of Arrest and Prosecution) sheet	<input type="checkbox"/> Have it <input type="checkbox"/> Ordered it <input type="checkbox"/> Need help	If you have access to a copy of your record or RAP sheet in prison, it is helpful to keep a copy with you as you transition.

Handout: Obtaining your criminal records

- Since background screening reports may include criminal record information, it's important to check criminal records for mistakes
- Where to get records:
 - Local or state police department
 - State criminal records authority
 - State or county court records
 - Federal court records
 - Federal Bureau of Investigation
- Individuals may need to seek help with criminal records from legal aid, expungement clinics, or other organizations that provide assistance



Consumer Financial
Protection Bureau

Tool: Reviewing background screening reports

- Request your own background screening report and check it for errors (and dispute them)
- Know your rights and protections when it comes to the information on your background screening report
- Know what to do if you receive an adverse action
- Request additional help when necessary



Find errors by **Reviewing your background screening reports**

Highlight the information you think might not be correct on your background screening report as you compare it with this checklist. If you find errors, file a dispute with the background screening company.

Possible errors in criminal history on a background screening report

- The record or report does not include correct identifying information.

Check if any of following are incorrect:

- Full name
- Social Security information
- Addresses
- Case or docket numbers

If you do not have your case or docket number, you may need to seek assistance from your attorney or Legal Aid or obtain your records from the court.

- The report includes information you believe to be expunged or sealed.

Expunged or sealed records are those that have been removed from public view. States have different laws on expungement and you should check the laws of your state to determine if they may apply to your records or seek assistance from an attorney or other organization. See next page for links to legal assistance sites.

- The report includes incomplete records.

- The report lists single charges multiple times.

- The report includes information that has been or should have been expunged, cleared or not reported under state or federal law.

- The report includes arrests or other negative information that occurred more than seven years ago (except for convictions, which can stay on permanently in most states).

Some states may limit further the types or time frame for criminal history information.



**FEDERAL TRADE
COMMISSION**

Presented by:

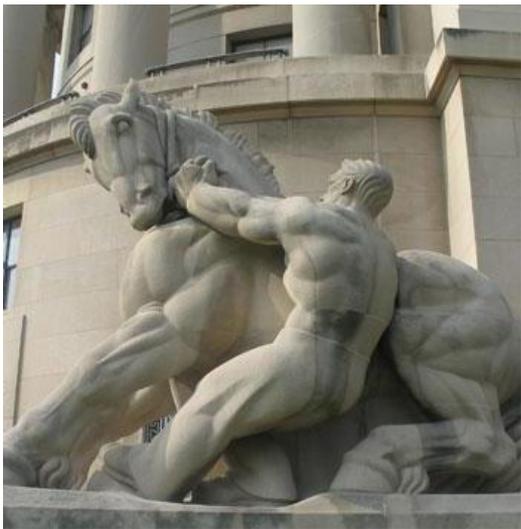
Jarad Brown and Whitney Moore
Bureau of Consumer Protection
Division of Privacy & Identity
Protection

Oct. 15, 2024

**JustUS Coordinating
Counsel Speaker Series:
FTC, Consumer Protection &
Consumer Reports**



Who We Are



- Independent law enforcement agency
- Civil law enforcement
- Protect consumers and promote competition





FTC Jurisdiction

FTC Act section 5(a) empowers the agency to address:

- unfair methods of competition
- unfair or deceptive acts or practices affecting commerce

FTC enforces many other laws as well. It may:

- bring civil actions to seek relief for consumers
- implement rules



Bureau of Consumer Protection



- Enforcement
- Consumer and business education
- Rules, regulations, and policy work



Bureau of Consumer Protection

Sam Levine, Director

Division of Advertising Practices

false ads, health claims

Division of Marketing Practices

fraud & scams, telemarketing

Division of Financial Practices

financial technology, short-term lending, debt collection

Division of Privacy & Identity Protection

privacy, information security, credit reporting

Division of Enforcement

enforce & monitor compliance with FTC orders, various rules

Division of Consumer & Business Education

Division of Consumer Response & Operations

consumer sentinel, trend analysis, redress

Division of Litigation Technology & Analysis

tech. & litigation support, forensic accounting



Other Legal Authority

The FTC enforces many other laws and rules, including:

- Fair Debt Collection Practices Act*
- Restore Online Shoppers Confidence Act
- Consumer Review Fairness Act
- Children's Online Privacy Protection Act
- Fair Credit Reporting Act*

* shared with CFPB





Fair Credit Reporting Act

- Companies must follow “reasonable procedures to assure maximum possible accuracy” of the information in a credit or background check report (FCRA Section 607(b), 15 U.S.C. §1681e(b))
- In other words, they should report the **right information** about the **right person**

Accurate, up-to-date
information

Correctly matched to the consumer
who is being screened



Credit and Background Checks – key differences

	Credit Reports	Tenant	Employment
Need my consent?	No	No	Yes, in writing
Who provides it?			
What could be in my report?			
What if I want to see my report now?			
What else?			



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What could be in my report?	<ul style="list-style-type: none">• Credit score• Detailed credit & debt payment history (e.g., credit cards, mortgages, loans)• Bankruptcies	<ul style="list-style-type: none">• Credit report contents• Work & income history• Criminal history• Eviction & rental history• Score or recommendation	<ul style="list-style-type: none">• Credit report contents• Work & income history• Education history• Criminal history• Score or recommendation
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What if I want to see my report now?	<ul style="list-style-type: none">• www.annualcreditreport.com• Score can be purchased	<ul style="list-style-type: none">• Contact company for a file disclosure, BUT<ul style="list-style-type: none">• Which company?• May not be anything <i>until</i> background check	
What else?			



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What else?	More likely to be consistent than Tenant & Employment	Adverse action notice must include what company provided report and contact info	Employer must provide notice & copy of report <i>before</i> adverse action (denial)



How long can records be reported?

7 Years

- Credit and other financial information
- Rental history and housing court records
- Arrest records

10
Years

- Bankruptcies

No limit

- Criminal convictions



Tips to Remember



Before you apply, seek to seal or expunge your records if available



When you apply, provide complete and accurate identifying info



Before you apply, consider checking a free screening report



If you are denied, ask for more information



Before you apply, consider asking for screening criteria



If you see errors, dispute them



Where to go for info

consumer.ftc.gov

- Tenant Background Checks and Your Rights
 - <https://consumer.ftc.gov/articles/tenant-background-checks-and-your-rights>
 - Also: Disputing Errors on Your Tenant Background Check
 - <https://consumer.ftc.gov/articles/disputing-errors-your-tenant-background-check-report>
- Employer Background Checks and Your Rights
 - <https://consumer.ftc.gov/articles/employer-background-checks-your-rights>
- Disputing Errors on Your Credit Reports
 - <https://consumer.ftc.gov/articles/disputing-errors-your-credit-reports>



Report Fraud to the FTC



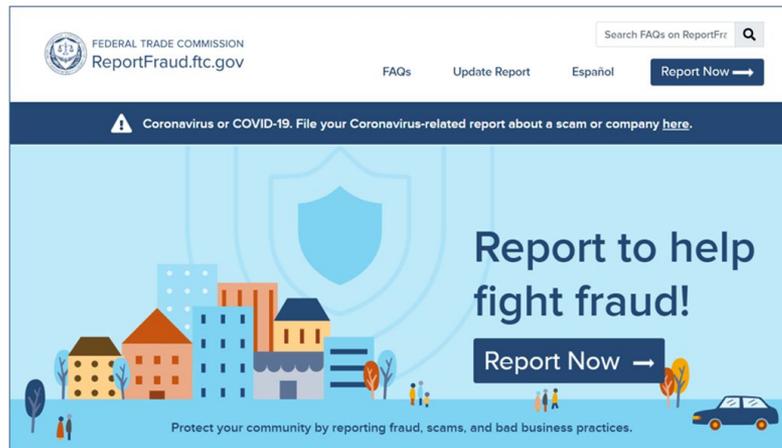
Problems with
any of these?
Report it.

ReportFraud.ftc.gov



English: ReportFraud.ftc.gov

Spanish: ReporteFraude.ftc.gov



Other languages:

Call 877-382-4357. Press 3

Ask CFPB

CFPB offers clear, impartial answers to hundreds of financial questions on Ask CFPB

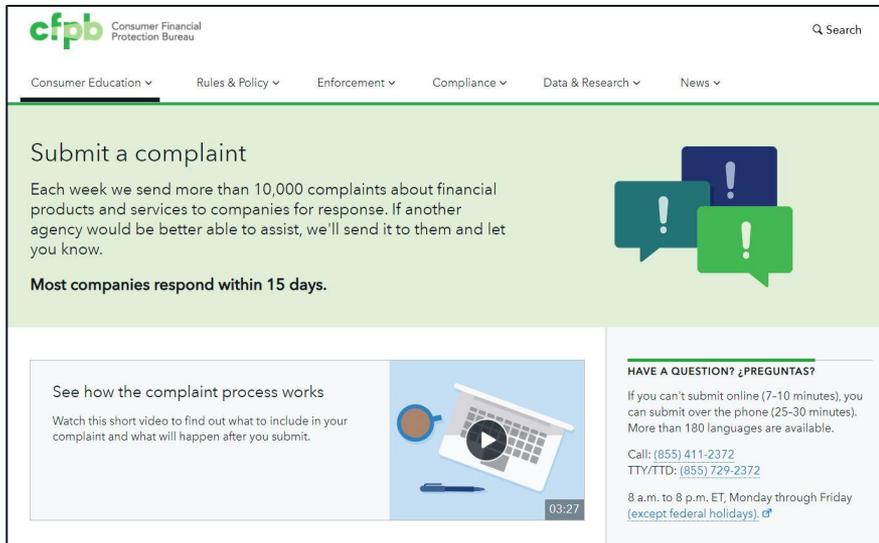
- Find the information you need to make more informed choices about your money
- Search for your question or browse questions and answers by topics



Available at: <https://www.consumerfinance.gov/ask-cfpb/>

Submitting a complaint to the Bureau

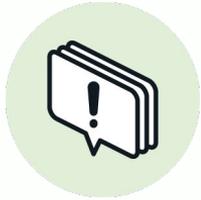
<https://www.consumerfinance.gov/complaint/>



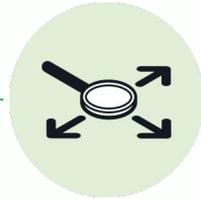
The screenshot shows the top of the CFPB website. The header includes the CFPB logo, the text 'Consumer Financial Protection Bureau', and a search bar. Below the header is a navigation menu with links for 'Consumer Education', 'Rules & Policy', 'Enforcement', 'Compliance', 'Data & Research', and 'News'. The main content area is titled 'Submit a complaint' and features a green background. It contains the text: 'Each week we send more than 10,000 complaints about financial products and services to companies for response. If another agency would be better able to assist, we'll send it to them and let you know.' Below this is a call to action: 'Most companies respond within 15 days.' To the right of the text are three speech bubble icons in teal, blue, and green, each containing a white exclamation mark. Below the main content area are two columns. The left column has a video player with the title 'See how the complaint process works' and a description: 'Watch this short video to find out what to include in your complaint and what will happen after you submit.' The video player shows a laptop with a play button and a coffee cup. The right column has the heading 'HAVE A QUESTION? ¿PREGUNTAS?' and text: 'If you can't submit online (7-10 minutes), you can submit over the phone (25-30 minutes). More than 180 languages are available.' It also lists contact information: 'Call: (855) 411-2372', 'TTY/TTD: (855) 729-2372', and '8 a.m. to 8 p.m. ET, Monday through Friday (except federal holidays)'. A small '03:27' video duration indicator is visible at the bottom right of the video player.

- Submitting online usually takes less than 10 minutes
- If consumers can't submit online, they can submit a complaint over the phone. This usually takes 25-30 minutes
- (855) 411-2372
- TTY/TTD: (855) 729-2372
- 180 languages are available
- 8 a.m. to 8 p.m. ET, Monday through Friday

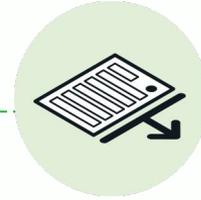
How the complaint process works



1. Complaint submitted



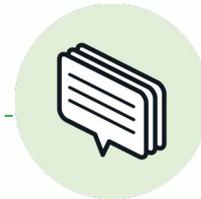
2. Review and route



3. Company response



4. Complaint published



5. Consumer review



JOIN THE TABLE TODAY!

justuscc.org

CONTACT US

info@justuscc.org

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instagram.com/justuscouncil



TAKE OUR SURVEY!!